

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARY BASICH,

CASE NO. 5:11-cv-04406 EJD

Plaintiff(s),

**ORDER DENYING WITHOUT  
PREJUDICE DEFENDANTS' MOTION  
TO MODIFY THE SCHEDULING ORDER**

v.

PATENAUDE & FELIX, APC., et. al.,

[Docket Item No(s). 106]

Defendant(s).


Presently before the court is Defendants' motion to modify the scheduling order. See Docket Item No. 106. The court previously granted a request by Defendants to hear that motion on shortened time and ordered Plaintiff to file any opposition to the motion by July 18, 2012. See Docket Item No. 113. Defendant filed a joinder in Defendants' motion, but requested alternative relief. See Docket Item No. 121.

The court has reviewed the papers filed by both parties as well as the docket in this action but is unable to determine the best course of action due to the recent increase in activity, particularly in regard to discovery. The docket, as well as the parties' filings, have created a rather confusing set of circumstances that can only be resolved through the appearance of counsel.

Accordingly, Defendants' motion to modify the scheduling order is DENIED WITHOUT PREJUDICE. The Preliminary Pretrial Conference scheduled for August 10, 2012, at 11:00 a.m. is CONVERTED to a Case Management Conference. The parties shall file a Joint Case Management Statement on or before August 3, 2012, within which either party may renew the request to modify the scheduling order. A personal appearance by counsel will be necessary at the conference.

**IT IS SO ORDERED.**

Dated: July 25, 2012

  
EDWARD J. DAVILA  
United States District Judge